

**WEDNESDAY, MARCH 10, 2010**

**SIXTY-SIXTH LEGISLATIVE DAY**

**CALL TO ORDER**

The Senate met at 8:30 a.m., and was called to order by Mr. Speaker Ramsey.

**PRAYER**

The proceedings were opened with prayer by Reverend Sam Polson of West Park Baptist Church in Knoxville, Tennessee, a guest of Senator Burchett.

**PLEDGE OF ALLEGIANCE**

Senator Burchett led the Senate in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 32

Senators present were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

**COMMUNICATION**

March 10, 2010

Lt. Governor Ramsey,

Please excuse me from Session on Wednesday, March 10, 2010, at 8:30 a.m. I will not be able to attend.

Sincerely,

/s/ Senator Doug Jackson

APPROVED: Lieutenant Governor  
Ron Ramsey

**STANDING COMMITTEE REPORTS**

**FINANCE, WAYS AND MEANS**

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2499, 2500, 2582, 2670,

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2761, 2779, 2814 with amendment, 2932, 2974, 3119, 3328, 3379, 3472, 3499 and 3515; and Senate Joint Resolution No. 763.

MCNALLY, Chairperson  
March 9, 2010

The Speaker announced that he had referred Senate Bills Nos. 2499, 2500, 2582, 2670, 2761, 2779, 2814 with amendment, 2932, 2974, 3119, 3328, 3379, 3472, 3499 and 3515; and Senate Joint Resolution No. 763 to the Committee on Calendar.

**ENVIRONMENT, CONSERVATION AND TOURISM**

MR. SPEAKER: Your Committee on Environment, Conservation and Tourism begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2403 with amendment, 2778 with amendment and 3789 with amendment; and Senate Joint Resolutions Nos. 821, 822 and 823.

SOUTHERLAND, Chairperson  
March 9, 2010

The Speaker announced that he had referred Senate Bills Nos. 2403 with amendment, 2778 with amendment and 3789 with amendment; and Senate Joint Resolutions Nos. 821, 822 and 823 to the Committee on Calendar.

**TRANSPORTATION**

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend that Senate Bills Nos. 2485, 2666, 2714, 2910, 3398, 3436 and 3524; and House Joint Resolution No. 472 be referred to Committee on Finance, Ways and Means.

TRACY, Chairperson  
March 9, 2010

The Speaker announced that he had referred Senate Bills Nos. 2485, 2666, 2714, 2910, 3398, 3436 and 3524; and House Joint Resolution No. 472 to the Committee on Finance, Ways and Means.

**COMMERCE, LABOR AND AGRICULTURE**

MR. SPEAKER: Your Committee on Commerce, Labor and Agriculture begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2712, 2843 with amendment, 3019 with amendment, 3579 with amendment, 3834, 3860, 3861 and 3904 with amendment; also, recommend that Senate Bills Nos. 2409, 3213 and 3859 be referred to Committee on Finance, Ways and Means.

JOHNSON, Chairperson  
March 9, 2010

The Speaker announced that he had referred Senate Bills Nos. 2712, 2843 with amendment, 3019 with amendment, 3579 with amendment, 3834, 3860, 3861 and 3904 with amendment to the Committee on Calendar.

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The Speaker announced that he had referred Senate Bills Nos. 2409, 3213 and 3859 to the Committee on Finance, Ways and Means.

### JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2860 with amendment, 2999 and 3296; and Senate Resolutions Nos. 187 and 188; also, recommend that Senate Bills Nos. 3027 with amendment and 3100 with amendment be referred to Committee on Finance, Ways and Means.

BEAVERS, Chairperson  
March 9, 2010

The Speaker announced that he had referred Senate Bills Nos. 2860 with amendment, 2999 and 3296; and Senate Resolutions Nos. 187 and 188 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 3027 with amendment and 3100 with amendment to the Committee on Finance, Ways and Means.

### MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 2507, 2585, 2634, 2690, 2696, 2760, 3033, 3158, 3454, 3500, 3831 and 3849** be passed on first consideration, which motion prevailed.

### HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

**House Bill No. 2507** -- Highway Signs -- As introduced, provides for erection of directional signs to U.S. Chess Federation on Interstate 40 in Cumberland County at Exit 320.

**House Bill No. 2585** -- Pharmacy, Pharmacists -- As introduced, establishes that a prescription order from a prescriber who has died shall be honored for a period not to exceed six months from the date of death of the prescriber. Amends TCA Title 53, Chapter 10 and Title 63.

**House Bill No. 2634** -- Professions and Occupations -- As introduced, limits amount of on-line courses dental hygienists may use to meet biennial continuing education requirement to 25 percent. Amends TCA Section 63-5-107.

**House Bill No. 2690** -- Indigents -- As introduced, requires that at the end of the trial court proceeding, the clerk pay any money collected from an indigent criminal defendant to the administrative office of the courts rather than directly to the defendant's attorney of record. Amends TCA Title 40, Chapter 14.

**House Bill No. 2696** -- Highway Signs -- As introduced, "PFC Cleabern W. Hill, Jr., Memorial Highway", segment of State Route 142 in McNairy County.

**House Bill No. 2760** -- Death -- As introduced, recognizes a person authorized to direct disposition of the remains of a person in the military in the event of death as indicated on a DD Form

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93 completed by military personnel as the proper person to make the decision in certain circumstances. Amends TCA Title 34, Chapter 6 and Title 68, Chapter 4.

**House Bill No. 3033** -- Tobacco Master Settlement Agreement -- As introduced, authorizes attorney general to disclose to cigarette manufacturers information concerning number of cigarettes sold with manufacturer's tax stamp affixed. Amends TCA Title 67, Chapter 4.

**House Bill No. 3158** -- Public Contracts -- As introduced, revises the current requirements concerning information that must be contained on the outside of the envelope containing the bid to also require such information be included in an electronic bid. Amends TCA Section 62-6-119.

**House Bill No. 3454** -- Children's Services, Dept. of -- As introduced, requires that permanent educational records for students who have been in state custody be forwarded to the department when a department provider agency school ceases operations or when the department no longer contracts with the provider agency. Amends TCA Title 37 and Title 49.

**House Bill No. 3500** -- Highway Signs -- As introduced, "Emmie Robertson Memorial Highway", segment of State Route 242 in Lawrence County.

**House Bill No. 3831** -- Cemeteries -- As introduced, revises certain requirements for appointing a receiver to manage a cemetery. Amends TCA Section 46-1-312.

**House Bill No. 3849** -- Licenses -- As introduced, changes certain licensure requirements for motor vehicle sales, home inspectors, real estate brokers, and Class 4 and 5 liquid petroleum permit holders. Amends TCA Title 55, Chapter 17, Part 1; Title 62, Chapter 6, Part 3; Title 62, Chapter 13, Part 3; Title 62, Chapter 43, Part 1 and Title 68, Chapter 135, Part 1.

### MOTION

Senator Norris moved, pursuant to Rule 33 and Article II, Section 18 of the Constitution of the State of Tennessee, that **Senate Bill No. 3931** be passed on second consideration and be referred to the appropriate committee or held on the Clerk's desk, which motion prevailed.

### SENATE BILL ON SECOND CONSIDERATION

The Speaker announced that the following bill passed second consideration and was referred to the appropriate committee or held on the Clerk's desk:

**Senate Bill No. 3931** Local bill -- held on desk.

### MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 851 through 862**; and **Senate Resolutions Nos. 203 and 204** be passed on first consideration and lie over, which motion prevailed.

### INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

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**Senate Joint Resolution No. 851** by Senator Watson.

Memorials, Recognition -- Little Debbie Snack Cakes, 50th anniversary.

**Senate Joint Resolution No. 852** by Senator Watson.

Memorials, Recognition -- Volunteer Energy Cooperative, 75th anniversary.

**Senate Joint Resolution No. 853** by Senator Jackson.

Memorials, Recognition -- Mt. Olive Baptist Church, 125th anniversary.

**Senate Joint Resolution No. 854** by Senator Bunch.

Memorials, Recognition -- Volunteer Energy Cooperative, 75th anniversary.

**Senate Joint Resolution No. 855** by Senator Jackson.

Memorials, Death -- Charles Henry Smart, Jr.

**Senate Joint Resolution No. 856** by Senator Yager.

Memorials, Public Service -- Jean Pollard.

**Senate Joint Resolution No. 857** by Senator Yager.

Memorials, Death -- John Stanley Wassom.

**Senate Joint Resolution No. 858** by Senator Yager.

Memorials, Public Service -- A. B. Freytag.

**Senate Joint Resolution No. 859** by Senator Yager.

Memorials, Death -- E. Edward Foland.

**Senate Joint Resolution No. 860** by Senators Burchett and McNally.

General Assembly, Statement of Intent or Position -- Expresses the sense of the General Assembly that enemy combatants should be tried in military commissions.

**Senate Joint Resolution No. 861** by Senator McNally.

Memorials, Recognition -- Anderson County Emergency Medical Services, 40th anniversary.

**Senate Joint Resolution No. 862** by Senator Jackson.

Memorials, Recognition -- Recognizes the Duck River Watershed Association and The Nature Conservancy for their efforts to protect the Duck River.

**Senate Resolution No. 203** by Senator Gresham.

Memorials, Death -- Charles William Lee, Sr.

**Senate Resolution No. 204** by Mr. Speaker Ramsey.

General Assembly, Confirmation of Appointment -- Jeffery Clay Lewis, Tennessee Peace Officer Standards and Training (POST) Commission.

**MOTION**

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 754, 832 through 834, 874, 876 through 883, 885 and 895; and Senate Joint Resolutions Nos. 838 through 850** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

**RESOLUTIONS LYING OVER**

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

**House Joint Resolution No. 754** -- General Assembly, Statement of Intent or Position -- Pledges support for development of Corridor K highway project.

The Speaker announced that he had referred House Joint Resolution No. 754 to the Committee on Transportation.

**House Joint Resolution No. 832** -- General Assembly, Confirmation of Appointment -- John Ross, State Forestry Commission.

The Speaker announced that he had referred House Joint Resolution No. 832 to the Clerk's desk.

**House Joint Resolution No. 833** -- General Assembly, Confirmation of Appointment -- James W. Reeves, State Forestry Commission.

The Speaker announced that he had referred House Joint Resolution No. 833 to the Clerk's desk.

**House Joint Resolution No. 834** -- General Assembly, Confirmation of Appointment -- Paul Trianosky, State Forestry Commission.

The Speaker announced that he had referred House Joint Resolution No. 834 to the Clerk's desk.

**House Joint Resolution No. 874** -- Memorials, Recognition -- Ralph Stout.

The Speaker announced that he had referred House Joint Resolution No. 874 to the Committee on Calendar.

**House Joint Resolution No. 876** -- Memorials, Death -- James Luther Dickinson.

The Speaker announced that he had referred House Joint Resolution No. 876 to the Committee on Calendar.

**House Joint Resolution No. 877** -- Memorials, Academic Achievement -- Kristen Waggoner, Valedictorian, William Blount High School.

The Speaker announced that he had referred House Joint Resolution No. 877 to the Committee on Calendar.

**House Joint Resolution No. 878** -- Memorials, Academic Achievement -- Richard "Brad" Farr, Salutatorian, William Blount High School.

The Speaker announced that he had referred House Joint Resolution No. 878 to the Committee on Calendar.

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**House Joint Resolution No. 879** -- Memorials, Death -- Staff Sergeant Michael Wayne Tinsley.

The Speaker announced that he had referred House Joint Resolution No. 879 to the Committee on Calendar.

**House Joint Resolution No. 880** -- Memorials, Recognition -- Batson, Nolan, Pearson, Miller, and Joiner, 150th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 880 to the Committee on Calendar.

**House Joint Resolution No. 881** -- Memorials, Death -- Rayburn Carson Thacker.

The Speaker announced that he had referred House Joint Resolution No. 881 to the Committee on Calendar.

**House Joint Resolution No. 882** -- Memorials, Personal Achievement -- Jesse Alenjandro Newman, Eagle Scout.

The Speaker announced that he had referred House Joint Resolution No. 882 to the Committee on Calendar.

**House Joint Resolution No. 883** -- Memorials, Personal Achievement -- Lawrence Armstrong, Eagle Scout.

The Speaker announced that he had referred House Joint Resolution No. 883 to the Committee on Calendar.

**House Joint Resolution No. 885** -- Memorials, Death -- Rachel Escue.

The Speaker announced that he had referred House Joint Resolution No. 885 to the Committee on Calendar.

**House Joint Resolution No. 895** -- Memorials, Recognition -- Martha Bowser, 2010 Westmoreland Citizen of the Year.

The Speaker announced that he had referred House Joint Resolution No. 895 to the Committee on Calendar.

**Senate Joint Resolution No. 838** -- Memorials, Academic Achievement -- Jonathon Smith, Salutatorian, Macon County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 838 to the Committee on Calendar.

**Senate Joint Resolution No. 839** -- Memorials, Academic Achievement -- Elissa McLerran, Valedictorian, Clay County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 839 to the Committee on Calendar.

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**Senate Joint Resolution No. 840** -- Memorials, Academic Achievement -- Adam Copass, Salutatorian, Clay County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 840 to the Committee on Calendar.

**Senate Joint Resolution No. 841** -- Memorials, Academic Achievement -- Richard Roberts, Salutatorian, Clay County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 841 to the Committee on Calendar.

**Senate Joint Resolution No. 842** -- Memorials, Academic Achievement -- Simone Ilia, Valedictorian, Macon County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 842 to the Committee on Calendar.

**Senate Joint Resolution No. 843** -- Memorials, Academic Achievement -- Lizzie Monroe, Valedictorian, Clay County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 843 to the Committee on Calendar.

**Senate Joint Resolution No. 844** -- Memorials, Retirement -- Ron Brooks.

The Speaker announced that he had referred Senate Joint Resolution No. 844 to the Committee on Calendar.

**Senate Joint Resolution No. 845** -- Memorials, Retirement -- Linda K. Miller, Program Director, Operation: Safe Community; Executive Director, Memphis Shelby Crime Commission.

The Speaker announced that he had referred Senate Joint Resolution No. 845 to the Committee on Calendar.

**Senate Joint Resolution No. 846** -- Memorials, Public Service -- Louise Crowe.

The Speaker announced that he had referred Senate Joint Resolution No. 846 to the Committee on Calendar.

**Senate Joint Resolution No. 847** -- Memorials, Death -- Wallace Clifford Austin.

The Speaker announced that he had referred Senate Joint Resolution No. 847 to the Committee on Calendar.

**Senate Joint Resolution No. 848** -- Memorials, Death -- Chief Warrant Officer 2 Billie Jean Grinder, Tennessee Army National Guard.

The Speaker announced that he had referred Senate Joint Resolution No. 848 to the Committee on Calendar.



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**Senate Joint Resolution No. 849** -- Memorials, Retirement -- Dr. James Noseworthy, President, Hiwassee College.

The Speaker announced that he had referred Senate Joint Resolution No. 849 to the Committee on Calendar.

**Senate Joint Resolution No. 850** -- Naming and Designating -- "Youth Art Month", March 2010.

The Speaker announced that he had referred Senate Joint Resolution No. 850 to the Committee on State and Local Government.

**PRESENTATION**

Senator Finney introduced Miss Tennessee Stefanie Wittler to the Senate.

**NOTICES**

**MESSAGE FROM THE HOUSE**

March 8, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2410, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 8, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2846, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**CONSENT CALENDAR**

**Senate Joint Resolution No. 830** -- Memorials, Death -- Sergeant David Clay Prescott, Jr.

**Senate Joint Resolution No. 832** -- Memorials, Sports -- Eagleville High School basketball team, District 9 tournament champions.

Senator Faulk moved that all Senate Joint Resolutions be adopted, which motion prevailed by the following vote:

Ayes . . . . . 32  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle,

Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**CALENDAR**

**Senate Bill No. 1788** -- TennCare -- As introduced, requires the Department of Health to notify each member of the general assembly of any proposed TennCare program changes that will affect services currently provided to TennCare enrollees. Amends TCA Title 3 and Title 71.

On motion, Senate Bill No. 1788 was made to conform with **House Bill No. 219**.

On motion, House Bill No. 219, on same subject, was substituted for Senate Bill No. 1788.

Senator Crowe moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting the amendatory language of Section 1 in its entirety and by substituting instead the following:

it: (b) The Bureau of TennCare shall notify each member of the general assembly when

(1) Proposes a change in services or reimbursement that affects more than two hundred fifty (250) beneficiaries; or

(2) Proposes a change that will affect current or future appropriations made by the general assembly in any amount that is greater than one million dollars (\$1,000,000.00).

(c) The notice required by subsection (b) shall include:

(1) A description of the bureau's current practice or policy that the bureau is proposing to change;

(2) An explanation of the reason for the proposed change;

(3) The proposed change in services or reimbursement, including a description of the effect of the change;

(4) The effect of the proposed change on current appropriations made by the general assembly.

(d) In accordance with subsection (b), the bureau shall send notice to each member of the general assembly via email or other type of electronic communication.

AND FURTHER AMEND by deleting the language "department of health" in the amendatory language of Section 2 and by substituting instead the language "Bureau of TennCare".

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On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 219**, as amended, passed its third and final consideration by the following vote:

Ayes .....	31
Noes .....	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**Senate Bill No. 2486** -- Beer -- As introduced, prohibits issuing or renewing licenses to sell beer off-premises to persons selling beer through drive-up or drive-through windows or curbside service. Amends TCA Title 57, Chapter 5, Part 1.

Senator Faulk declared Rule 13 on **Senate Bill No. 2486**.

Senator Ketron moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-5-103, is amended by adding the following as a new subsection thereto:

(f) A county or city is prohibited from issuing or renewing a permit to sell beer for off-premises consumption to any applicant or licensee who sells beer through a drive-through or drive-up window or curbside service unless such applicant or licensee is certified as a responsible vendor pursuant to § 57-5-605.

SECTION 2. This act shall take effect January 1, 2011, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2486**, as amended, passed its third and final consideration by the following vote:

Ayes .....	31
Noes .....	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**Senate Bill No. 3026** -- Mental Illness -- As introduced, alters the process by which an inmate is released from a mental retardation facility by changing the hearing date from 21 to 90 days since the receipt of notice to the court, and by changing the notice from the court to the facility from 15 to 60 days. Amends TCA Title 33, Chapter 5, Part 4; Title 39 and Title 40.

Senator Beavers moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 33-5-410, is amended by deleting subsections (b), (c) and (d) in their entirety and substituting instead the following:

(b) When the mental retardation facility determines that the person no longer meets the commitment criteria under which the person was committed, it shall notify the committing court of this fact and the reasons. The determination by the department shall create a rebuttable presumption of its correctness. The court may, within ten (10) business days, holidays excluded, of receipt of the notice, set a hearing to be held within twenty-one (21) business days, holidays excluded, of receipt of the facility's notice on whether the person continues to meet the commitment criteria under which the person was committed. The court shall send notice of the hearing to the following: the person, chief officer of the facility, the person's counsel, the person's next of kin, and the district attorney general.

(c) If the court does not set a hearing and notify the facility within fifteen (15) business days, holidays excluded, of its receipt of the facility's notice, the facility shall release the person from involuntary commitment.

(d) The hearing to determine whether the person continues to meet the commitment criteria under which the person was committed shall be held within twenty-one (21) business days, holidays excluded, of the court's receipt of notice from the facility. The person shall attend the hearing unless the person's presence is waived in writing by counsel before the hearing. If the person does not have counsel, the court shall appoint counsel to represent the person.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Southerland moved that **Senate Bill No. 3026**, as amended, be placed on the Calendar for Thursday, March 11, 2010, which motion prevailed.

**Senate Bill No. 3131** -- Bond Issues -- As introduced, allows energy acquisition corporations to obtain loans or issue bonds, and allows all creditors or bondholders of such corporations to make loans or purchase bonds, at the maximum effective interest rate permitted to be charged on loans in excess of \$100, which is 24 percent per annum. Amends TCA Title 7, Chapter 39 and Title 45, Chapter 5.

Senator Overbey declared Rule 13 on **Senate Bill No. 3131**.

Senator Ketron moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting Section 1 in its entirety and substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 7-39-305, is amended by adding the following as a new subsection (l) at the end of such section:

(l) For purposes of calculating the "applicable formula rate" under Section 47-14-103 and the related provisions of Title 47, Chapter 14, to determine the maximum effective rate applicable to bonds or other obligations issued by energy acquisition corporations, the language "four (4) percentage points above the average prime loan rate" in the definition of "formula rate" in Section 47-14-102(7) shall be replaced with the language "seven (7) percentage points above the average prime loan rate". This subsection shall apply to any bonds or other obligations issued by energy acquisition corporations on or before June 30, 2012.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3131**, as amended, passed its third and final consideration by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senator Kelsey moved that **Senate Bill No. 3189** be placed on the Calendar for Wednesday, March 24, 2010, which motion prevailed.

Senator Henry moved that **Senate Bill No. 3430** be placed on the Calendar for Wednesday, March 17, 2010, which motion prevailed.

**Senate Bill No. 3464** -- Alcoholic Beverages -- As introduced, adds certain facilities of private institutions of higher education in Franklin County to the definition of hotel as used in regulating the sale of alcoholic beverages. Amends TCA Section 57-4-102.

On motion, Senate Bill No. 3464 was made to conform with **House Bill No. 3354**.

On motion, House Bill No. 3354, on same subject, was substituted for Senate Bill No. 3464.

Senator Ketron moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-4-102(19), is amended by adding the following language as a new, appropriately designated subdivision:

(G) "Hotel" also means a facility that possesses all of the following characteristics:

(1) Offers to the public:

(i) At least thirty (30) rooms for the sleeping accommodations of guests for adequate pay; and

(ii) A dining room;

(2) Is owned by and located on the campus of a private institution of higher education located on at least ten thousand (10,000) acres; and

(3) Is located in any county having a population of not less than thirty-nine thousand two hundred (39,200) nor more than thirty-nine thousand three hundred (39,300), according to the 2000 federal census or any subsequent federal census;

A hotel under this subdivision (19)(G) must comply with all the requirements of this chapter and shall be subject to the restrictions imposed upon licenses other than § 57-4-103;

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 3354**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 24  
Noes . . . . . 5

Senators voting aye were: Barnes, Berke, Burchett, Crowe, Faulk, Finney, Ford, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Stewart, Tate, Woodson, Yager and Mr. Speaker Ramsey--24.

Senators voting no were: Beavers, Bunch, Burks, Southerland and Tracy--5.

A motion to reconsider was tabled.

**Senate Joint Resolution No. 765** -- Memorials, Government Officials -- Urges the State Capitol Commission to place a bust of former Lt. Governor John Wilder in the State Capitol.

**Senate Joint Resolution No. 765** was adopted by the following vote:

Ayes . . . . . 32  
Noes . . . . . 0

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Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senator Finney moved that **Senate Bill No. 3203** be placed on the Calendar for Wednesday, March 17, 2010, which motion prevailed.

**RECALL OF BILL**

On motion of Senator McNally, **Senate Bill No. 3133** was recalled from the Committee on Finance, Ways and Means.

**REFERRAL OF BILL**

Senator McNally moved that Senate Bill No. 3133 be referred to the Tax Sub Committee of Finance, Ways and Means, which motion prevailed.

**MOTION**

Senator Faulk moved that Rule 37 be suspended for the purpose of placing **Senate Bill No. 2534** on the Calendar for Thursday, March 11, 2010, which motion prevailed.

**MOTION**

Senator Norris moved that the Proposed Schedule for the week of March 15, 2010, be adopted and made the action of the Senate, which motion prevailed.

**TENNESSEE STATE SENATE  
106th GENERAL ASSEMBLY**

**PROPOSED SCHEDULE  
FOR THE WEEK OF MARCH 15, 2010**

**MONDAY – March 15**

5:00 p.m. Session – Senate Chamber

**TUESDAY – March 16**

8:30 a.m. – 10:30 a.m.	Finance, Ways & Means Committee (Tax Sub will meet immediately following)
10:30 a.m. – 11:30 a.m.	Environment, Conservation & Tourism Committee
11:30 a.m. – 12:30 p.m.	Transportation Committee
12:30 p.m. – 1:00 p.m.	Lunch
1:00 p.m. – 3:00 p.m.	Commerce, Labor & Agriculture Committee
3:00 p.m. – 5:00 p.m.	Judiciary Committee

**WEDNESDAY, MARCH 10, 2010 -- 66TH LEGISLATIVE DAY**

**WEDNESDAY – March 17**

8:30 a.m.	Session – Senate Chamber
10:00 a.m. – 12:00 noon	State & Local Government Committee
12:00 noon – 1:00 p.m.	Lunch
1:00 p.m. – 2:30 p.m.	Education Committee
2:30 p.m. – 3:30 p.m.	Government Operations Committee
3:30 p.m. – 5:00 p.m.	General Welfare, Health & Human Resources Committee

**THURSDAY – March 18**

9:00 a.m. Session – Senate Chamber

NOTE: Council on Pensions and Insurance, Monday, March 15, 2010, at 1:00 p.m., Room 29 LP.

Fiscal Review Committee, Monday, March 15, 2010, at 1:00 p.m., Room 16 LP.

Senate Ad Hoc Committee on Indian Affairs, Monday, March 15, 2010, at 3:00 p.m., Room 12 LP.

Pre-Commerce meeting, Tuesday, March 16, 2010, at 7:30 a.m., Room 12 LP.

**RECALL OF BILL**

On motion of Senator Burchett, **Senate Joint Resolution No. 801** was recalled from the Committee on State and Local Government.

**WITHDRAWAL OF BILL**

On motion of Senator Burchett, Senate Joint Resolution No. 801 was withdrawn from the Senate.

**MOTION**

On motion of Senators Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Joint Resolution No. 830**.

On motion of Senators Tracy and Black, their names were added as sponsors of **Senate Joint Resolution No. 832**.

On motion of Senator Harper, her name was added as sponsor of **Senate Bill No. 1788**.

On motion of Senator Overbey, his name was added as sponsor of **Senate Bill No. 2486**.

On motion of Senators Overbey and Black, their names were added as sponsors of **Senate Bill No. 3189**.



**WEDNESDAY, MARCH 10, 2010 -- 66TH LEGISLATIVE DAY**

On motion of Senators Barnes, Beavers, Berke, Black, Bunch, Burks, Crowe, Faulk, Finney, Ford, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Yager, and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Joint Resolution No. 765**.

On motion of Senator Watson, his name was added as sponsor of **Senate Bill No. 3119**.

On motion of Senator Norris, his name was added as sponsor of **Senate Bill No. 2974; and Senate Joint Resolution No. 763**.

On motion of Senators Finney and Yager, their names were added as sponsors of **Senate Bill No. 508**.

On motion of Senators Berke, Stewart and Herron, their names were added as sponsors of **Senate Bill No. 3650**.

On motion of Senator Tracy, his name was added as sponsor of **Senate Bill No. 2855**.

**ENGROSSED BILLS**

March 10, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 2486 and 3131; and Senate Joint Resolutions Nos. 765, 830 and 832; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

March 10, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 3036 and 3863, for the signature of the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE GOVERNOR**

March 10, 2010

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 759, 760, 778, 810, 813, 815 and 816; with his approval.

STEVEN E. ELKINS,  
Counsel to the Governor.

**ADJOURNMENT**

Senator Norris moved the Senate adjourn until 9:00 a.m., Thursday, March 11, 2010, which motion prevailed.